IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 277 OF 2005

Mr.Sikkandar Vilayat Ali Shaikh. ... Applicant.
Versus.
Mr.Singare, Inspector of Police
and another. ... Respondents.

Shri V.K.Gupta with Chalke for the Applicant.

Shri K.V.Saste, A.P.P. for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 20th Sept., 2005.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned A.P.P. for the State. The challenge in this Revision Application is to Clause 5 of the Order dated 19th August 2005 passed by the learned Additional Sessions Judge, Mumbai. By the said order anticipatory bail was granted in favour of the Applicant. By clause 5 the learned Additional Sessions Judge directed the Applicant to deposit a sum of Rs.15,000/- within a period of one week. The learned Advocate for the Applicant submitted that such a condition could not have been imposed as the Applicant is not named in the case as accused. He submitted that the learned Additional Sessions Judge has no jurisdiction to give such a direction while granting anticipatory bail. The learned

A.P.P. has opposed the Application.

2. A perusal of the paragraph 3 of the order of the Additional Sessions Judge shows that a statement was made by the Advocate for the Applicant that the Applicant was ready to bring cash amount equivalent to the price of 25 grams of gold. Accepting the statement of learned Advocate for the Applicant, the learned Judge granted relief and directed the Applicant to deposit a sum of Rs.15,000/-.

3. At this stage the learned Advocate for the Applicant submitted that no such statement was made by the Advocate for the Applicant. If that is so, it is for the Applicant to bring the same to the notice of the learned Judge and seek clarification/modification by making appropriate application. As of today the statement of the Advocate for the Applicant forms part of the record of the Court of the learned Additional Sessions Judge.

4. Hence the Revision Application is rejected. However, it will be open for the Applicant to make appropriate application before the learned Additional Sessions Judge for appropriate relief.

5. Time for making deposit of Rs.15,000/- is extended by a period of three weeks. The extension of time is granted only with a view to enable the Applicant to make appropriate application before the learned Additional

Sessions Judge and if such an application is made, it will be decided on its own merit without being influenced by the grant of extension by this Court.

6. Parties to act on an authenticated copy of this order.

Judge.